

REMARKS

Entry of this amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-17 are pending and stand rejected. Claims 2-11 have been amended.

Claims 1-14 stand rejected 35 USC 103(a) as being unpatentable over Bjourndahl (USPPA 2002/0065099) in view of Balog (USPPA 2002/0022453).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims.

Bjourndahl discloses a system and method for secure transmission of confidential information over a wireless radio communication link between two devices that minimize the exposure of sensitive information. Bjourndahl discloses a portable device that includes both RF and an IR communication capability. The IR communication capability provides short range line-of-sight communication with a private base station to exchange security codes used to encrypt data transmitted over the RF link. The encrypted data is subsequently transmitted from the portable device to the base station that is in communication with the Public Switched Network (PSTN). (see para. 0035, which states, [u]pon the secure receipt of the encryption key(s) from the private base station 21 via IR transmission, the mobile station 20 may then safely begin/resume wireless RF communications, which are now encrypted pursuant to the embedded encryption key(s). The subscriber is then able to move more freely throughout the building, all the while taking advantage of the inexpensive wireline communication link through the PSTN 24").

Contrary to the statements made in the Office Action, Bjourndahl fails to teach or suggest that claim element "user terminal configured to perform the automatic acquisition of data for the profile database." (see instant OA page 5, lines 1-2). Rather Bjourndahl is totally silent with regard to the acquisition of data for the profile database as user profiles are not disclosed, suggested or even contemplated by Bjourndahl. Rather Bjourndahl is limited to the exchange of security codes performed when a handheld or portable device is in line-of-sight communications with a base station. The identity or profile of the user is irrelevant to the operation of the Bjourndahl device.

In addition, the Office Action refers to Figure 2 for showing the Bjorndahl teaches a second network. However, a reading of the relevant paragraphs ([0026]-[0027]), reveals that the reference to the two networks (PSTN 24 and antenna 27) relate to the ability of the base station to communication with the PSTN to a conventional land-line phone 25 and to a cellular base station 27 and, subsequently, to a cellular phone 26. The reference to the second network in Bjorndahl is not the same as the reference in the instant application as the claims recite that "the user terminal is configured to perform the automatic acquisition of data for the profile database, said data being transferred, for storage in the profile database, to the at least one server via said portable communications device following establishment of a connection via said second network." Bjorndahl fails to teach using the second network to establish a connection. Rather, Bjorndahl merely teaches that the base station may be connected to a land-line network, which can also be connected to a cellular network.

Balog discloses a system for dynamic protocol selection and routing of content to mobile devices. Balog discloses that for delivering content a plurality of mobile devices communicatively coupled to each other via BLUETOOTH technology and participating in a communication provided. The content includes a plurality of data types and is delivered from a service provider to at least one of the mobile devices depending on the characteristics of the data and the characteristics of the device. Balog is totally silent with regard establishing a connection using a second network as is recited in the claims.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

With reference to claim 1, neither Bjorndahl nor Balog, individually or in combination, teach or suggest all the elements recited in the above referred-to claims. More specifically, neither Bjorndahl nor Balog, teach "the user terminal is configured to perform the automatic acquisition of data for the profile database, said data being transferred, for storage in the profile database, to the at least one server via said portable

communications device following establishment of a connection via said second network," as is recited in the claims.

The instant Office Action states that it would be obvious to "use the teachings of Balog to enhance the system of Bjorndahl such that it provides a system associating a user with a global profile having the characteristics of the device ... Thus, the content is routed to one of the devices in accordance with the global profile." However, as shown, Bjorndahl describes a system wherein a handheld phone establishes a secure channel with a base station independent of the user. Hence, one would not be motivated to add the extra complexity of Balog to the teachings of Bjorndahl as such extra complexity introduces features not contemplated or needed by the Bjorndahl device to satisfy the objectives of providing secure communications.

Having shown that the combined device fails to disclose all the elements claimed and that there is no motivation to add the complexity of Balog to the teachings of Bjorndahl, applicant submits the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, i.e., 12 and 14, these claims recite subject matter similar to that recited in claim 1 and were rejected citing the same references used in rejecting claim 1. Thus, applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of the remaining independent claims. Applicant submits that for the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of the remaining independent claims, the reason for the rejection of these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

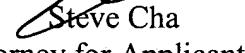
The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration of the patentability of each on its own merits is respectfully requested.

Although the last Office Action was made final, this amendment should be entered. Claims 2-11 have been amended to correct errors in form. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. This Amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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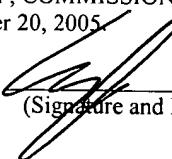
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